

### **REMARKS**

This Amendment and Response is submitted in reply to the Final Office Action dated February 27, 2008, in which the Examiner:

rejected claim 1 under 35 U.S.C. § 112, second paragraph, as failing to have a sufficient antecedent basis for the “rest shell” limitation;

rejected claims 1, 3, 4, 7 and 8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,112,333 to Mazzei; and

rejected claims 5-6 under 35 U.S.C. § 103(a) as unpatentable over Mazzei ‘333 in view of U.S. Patent No. 6,490,737 to Mazzei et al.

Applicants respectfully address and/or traverse the rejections below. Claims 1 and 3-8 are currently pending, and claim 9 has been added by the present amendment.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as failing to have a sufficient antecedent basis for the “rest shell” limitation. Claim 1 is hereby amended to address the rejection. Therefore, Applicants respectfully request that this rejection be withdrawn.

Claim 1, 3, 4, 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,112,333 to Mazzei. For a 35 U.S.C. § 102(b) rejection to be sustained, a single piece of prior art must show or disclose *each* and *every* element of the claimed invention. If any one element of the claimed invention is not shown or disclosed in the prior art, then the anticipation rejection is improper.

Claim 1 recites a headrest for a patient-bearing surface with a rigid support shell and a cushion releasably connectable with the support shell, wherein the support shell has an approximately horseshoe-shaped form with a central section for supporting the rear or forehead of a head. Claim 1 further recites that the central section has a support surface of approximately spherical shell shape, with two side sections spaced from one another and that the side support surfaces conform at least approximately to a common cylindrical surface

whose axis runs parallel to a line of symmetry of the head support running between the side sections. Claim 1 also recites that the side supports include a cheekbone support that projects in the direction of the other side section.

Mazzei '333 does not show or disclose each and every recitation of Applicants' claim 1. In particular, Mazzei does not show or disclose a support shell for supporting "the *rear or forehead* of a head of a patient," (emphasis added) as explicitly recited in independent claim 1 of the headrest of the present invention. Thus, the present invention allows the head of a patient to be securely held in a desired position both in the case of the patient lying on his or her back *and* in the case of the patient lying on his or her stomach. In stark contrast, the helmet of Mazzei is only capable of supporting the *forehead* of a head of a patient, i.e. a patient lying on his or her stomach. Applicants can find no disclosure anywhere in Mazzei directed to a support shell for supporting the *rear* of a head of a patient. Applicants note that the Examiner has erroneously implied through the rejection that Mazzei discloses this feature, but nowhere in the Office Action does the Examiner attempt to point to any specific place in the specification or claims where such feature is disclosed. *Accordingly, should the Examiner repeat this rejection, Applicants respectfully request that the Examiner specifically point out where Mazzei ever discusses a support shell for supporting the rear of a head of a patient.*

The Examiner also states that Mazzei discloses a support shell including "a central section for supporting the rear or forehead of a head of a patient, and having a support surface of approximately spherical shell shape," as explicitly recited in independent claim 1 of the present application. The Examiner asserts that (37) in Mazzei discloses this central section for providing support. Applicants respectfully direct the Examiner's attention to Mazzei's specification, as (37) in Mazzei discloses a "casing ocular aperture" (column 7, line 39-40). It is inconceivable to Applicants how an *aperture*, i.e. a hole or an opening, is capable of providing *any* support to the head of a patient. Further, the Examiner has stated that Mazzei discloses a central section "having a support surface of approximately spherical shell shape," as explicitly recited in independent claim 1 of the present application. Applicants can find no disclosure anywhere in Mazzei directed to an approximately spherical-shaped support surface. *Should*

*the Examiner repeat this rejection, Applicants respectfully request that the Examiner specifically point out where Mazzei ever discusses a central section having a support surface of approximately spherical shell shape.*

The Examiner further asserts that Mazzei discloses a headrest with a “cheekbone support on each of the side sections, each cheekbone support projecting toward the other side section,” as explicitly recited in independent claim 1, as amended, of the present application. The Examiner calls out (14) in Mazzei as disclosing this feature. Applicants respectfully assert that (14) in Mazzei is a “*chin* support,” (emphasis added) as explicitly recited therein, and not a “*cheekbone* support” (18) (emphasis added) as the present invention recites. Applicants submit that it will be apparent to one of ordinary skill in the art, or to any reasonable person for that matter, that a cheekbone support is entirely different from a chin support, and therefore the chin support (14) of Mazzei is simply not equivalent to the cheekbone support (18) of the present invention. In addition, the Examiner reads an unspecified aspect of Mazzei on the cylindrical surface of the two side sections (reference number 16 of Figure 1 of the present invention). To the contrary, Mazzei is directed to a substantially box-shaped helmet (10), with substantially flat surfaces (41) and (43), and shows *no cylindrical surfaces* of any kind. Again, it appears the Examiner has drawn a conclusion without pointing to *any* specific disclosure in Mazzei in support of the rejection. *Should the Examiner repeat this rejection, Applicants again respectfully request that the Examiner specifically point out where Mazzei ever discusses side sections having support surfaces of approximately cylindrical shape.*

Additionally, the Examiner states that Mazzei discloses a headrest with a rest shell having “an approximately horseshoe-shaped form,” and directs Applicants to Figure 1 of Mazzei. Applicants respectfully submit that the meaning of the term “horseshoe” or the phrase “horseshoe shaped” is well known, and a simple search on dictionary.com provides the definition of “horseshoe” as “U-shaped.” While Applicants understand that the Examiner may give broad interpretation to the structural elements recited in the present claims, Applicants respectfully submit that it is improper to give well-established terms of art different meanings from their known affiliations. Even a cursory look at Figure 1 of Mazzei reveals that the helmet of Mazzei is square shaped.

Applicants submit that the helmet of Mazzei shown in Figure 1 cannot, in any way, be construed as being U-shaped.

Accordingly, Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Mazzei is improper for *at least* these reasons, and therefore should be withdrawn.

Claims 3, 4, 7 and 8 were also rejected under 35 U.S.C. § 102(b) as anticipated by Mazzei '333. These claims all depend, directly or indirectly, from Applicants' claim 1 and include additional recitations thereto. Accordingly, Applicants respectfully submit that the rejection of claims 3, 4, 7 and 8 under 35 U.S.C. § 102(b) as anticipated by Mazzei is improper for at least the reasons discussed above with regard to claim 1, and therefore should be withdrawn.

Claims 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,112,333 to Mazzei in view of US Patent No. 6,490,737 to Mazzei et al. For a 35 U.S.C. § 103(a) objection to be sustained, the prior art references, either alone or in combination, must teach or suggest the claimed invention to one having ordinary skill in the art.

The Examiner asserts that Mazzei '333 discloses a headrest for a patient-bearing surface with a rigid-support shell and a cushion releasably connected with the rest shell, and Mazzei '737 teaches a device for protecting a patient's head wherein the device includes stick pins as part of a helmet.

Claims 5-6 depend directly from claim 1 and include additional recitations thereto. As discussed, Mazzei '333 does not show or disclose each and every recitation of Applicants' claim 1. Nor does Mazzei '333 teach or suggest each and every recitation of Applicants' claim 1.

Claim 1 of the present invention recites a headrest for a patient-bearing surface 14, rather than a helmet 10 as taught by Mazzei '333. Claim 1 of the present invention additionally recites a horseshoe-shaped form 10. In contrast, Mazzei '333 does not teach or suggest a horseshoe-shaped form. Instead Mazzei shows a substantially box shaped helmet 10. Claim 1 of the present invention recites a support surface of approximately spherical shell shape 10 with two cylindrical side sections 16. Mazzei '333 does not teach or suggest such a structure; instead, Mazzei '333 teaches a helmet 10 with flat frontal surface 41 and

flat side surface 43. Additionally, claim 5 recites a headrest with support cushions connected to the rest shell by stick pins each having a cylindrical shaft which cylindrical shaft has an elastically resilient band with an external diameter slightly larger than the diameter of the bores in the rest shell. Mazzei '333 does not teach or suggest the use of stick pins of any shape or design. Claim 6 recites a headrest divided into two mirror image similar partial supports. Mazzei '333 does not teach or suggest a bifurcation of the design. Thus, Mazzei '333 fails to teach or suggest the patient-bearing surface rest shell of horseshoe-shaped form with two side sections.

Mazzei '737 does not add to the teachings of Mazzei '333, at least in that Mazzei '737 does not teach or suggest a headrest for a patient-bearing surface, a horseshoe-shaped form, or a support surface of approximately spherical shell shape with two cylindrical side sections. Additionally, Mazzei '737 does not teach or suggest the use of stick pins, or the division of the headrest into two mirror image partial supports. Instead, Mazzei '737 teaches an alternate configuration of the Mazzei '333 helmet that includes a mounting plate structure as well as additional features such as heated cushions and viewing mirrors. Thus, neither Mazzei '333 nor Mazzei '737, nor the combination thereof teaches or suggests each and every recitation of Applicants' amended claim 1. Accordingly, Applicants respectfully submit that the rejection of dependent claims 5-6 under 35 U.S.C. § 103(a) is improper for at least these reasons, and should be withdrawn.

Applicants have submitted a new independent claim 9 with the present Response to further define over the cited references. Newly added claim 9 is believed to be allowable for at least the reasons set forth above with respect to independent claim 1. Newly added claim 9 additionally recites a headrest "wherein the side sections include end portions separated from each other to define an open region for mouthparts of the patient's face to fit therein." Applicants respectfully submit that claim 9 clearly defines over the cited prior art of record, including Mazzei '737 and Mazzei '333.

Having addressed and/or traversed each and every rejection, Applicants respectfully request that the rejections of claims 1 and 3-8 be withdrawn, and that claims 1 and 3-9 be passed to issue.

Applicants hereby petition for a one-month extension of time. Please charge our Deposit Account No. 13-0235 for the \$120 for the accompanying One-Month Extension of Time. Applicants believe no additional fees are due in connection with this Response. In the event any additional fees are deemed necessary, authorization is hereby granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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